

**70.4(10)** Approvals of training courses shall expire three years after the date of issuance. The training manager shall submit the following at least 90 days prior to the expiration date for a course to be reapproved:

- a.* Sponsoring organization name, contact person, address, and telephone number.
- b.* A list of the courses for which reapproval is sought.
- c.* A description of any changes to the training staff, facility, equipment, or course materials since the approval of the training program.
- d.* A statement signed by the training manager stating that the training program complies at all times with rule 70.4(135).
- e.* A nonrefundable fee of \$200.

**70.4(11)** The department shall consider a request for approval of a training course that has been approved by a state or tribe authorized by the U.S. Environmental Protection Agency.

- a.* The course shall be approved if it meets the requirements of rule 70.4(135).
- b.* If the course does not meet all of the requirements of rule 70.4(135), the department shall inform the training provider of additional topics and training hours that are needed to meet the requirements of rule 70.4(135).

**641—70.5(135) Certification, interim certification, and recertification.**

**70.5(1)** A person wishing to become a certified lead professional shall apply on forms supplied by the department. The applicant must submit:

- a.* A completed application form.
- b.* A certificate of completion of an approved course for the discipline in which the applicant wishes to become certified.
- c.* A person wishing to become a certified lead inspector or a certified elevated blood lead (EBL) inspector shall provide documentation of successful completion of the manufacturer's training course or equivalent for the X-ray fluorescence (XRF) analyzer that the inspector will use to conduct lead inspections.
- d.* Documentation that the applicant meets the additional experience and education requirements in subrule 70.5(2) for the discipline in which the applicant wishes to become certified. The following documents shall be submitted as evidence that the applicant has the education and work experience required by subrule 70.5(2):
  - (1) Official transcripts or diplomas as evidence of meeting the education requirements.
  - (2) Résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.
- e.* Beginning March 1, 2000, to become certified as a lead inspector, elevated blood lead (EBL) inspector, lead abatement contractor, or project designer, a certificate showing that the applicant has passed the state certification examination in the discipline in which the applicant wishes to become certified.

- f.* A \$50 nonrefundable fee.
- g.* A person may receive interim certification from the department as a lead inspector, elevated blood lead (EBL) inspector, lead abatement contractor, or project designer by submitting the items required by paragraphs 70.5(1)"*a*" to "*d*" and "*f*" to the department. If the applicant completed an approved course prior to September 1, 1999, the interim certification shall expire on March 1, 2000. If the applicant completed an approved course on or after September 1, 1999, the interim certification shall expire six months from the date of completion of an approved course. An interim certification must be upgraded to a certification by submitting a certificate showing that the applicant has passed the state certification examination to the department as required by paragraph 70.5(1)"*e*." Interim certification is equivalent to certification.

**70.5(2)** Beginning September 1, 1999, to become certified by the department as a lead professional, an applicant must meet the education and experience requirements for the appropriate discipline:

*a.* Lead inspectors and elevated blood lead (EBL) inspectors must meet one of the following requirements:

(1) Bachelor's degree and one year of related experience (e.g., lead, environmental health, public health, housing inspection, building trades).

(2) Associate's degree and two years of related experience (e.g., lead, environmental health, public health, housing inspection, building trades).

(3) High school diploma and three years of related experience (e.g., lead, environmental health, public health, housing inspection, building trades).

(4) Certification as an industrial hygienist, professional engineer, registered architect, registered sanitarian, registered environmental health specialist, or registered nurse.

*b.* Lead abatement contractors must meet one of the following requirements:

(1) One year of experience as a certified lead abatement worker.

(2) Two years of experience in building trades.

*c.* No additional education or experience is required for lead abatement workers.

*d.* Visual risk assessors must meet one of the following requirements:

(1) Associate's degree.

(2) High school diploma and one year of related experience (e.g., lead, environmental health, public health, housing inspection, building trades).

(3) Certification as an industrial hygienist, professional engineer, registered architect, registered sanitarian, registered environmental health specialist, or registered nurse.

*e.* Project designers must meet one of the following requirements:

(1) Bachelor's degree in engineering, architecture, or a related profession, and one year of experience in building construction and design or a related field.

(2) Four years of experience in building construction and design or a related field.

**70.5(3)** Certifications issued prior to September 1, 1999, shall expire on February 29, 2000. By March 1, 2000, lead professionals certified prior to September 1, 1999, must be recertified by submitting the following:

*a.* A completed application form.

*b.* For lead inspectors, a certificate showing the completion of additional training hours in an approved course to meet the total training hours required by subrule 70.4(3) and the completion of an 8-hour refresher course.

*c.* For elevated blood lead (EBL) inspectors, a certificate showing the completion of additional training hours in an approved course to meet the total training hours required by subrule 70.4(4) and the completion of an 8-hour refresher course.

*d.* Documentation that the applicant meets the experience and education requirements in subrule 70.5(2) for the discipline in which the applicant wishes to become certified. The following documents shall be submitted as evidence that the applicant has the education and work experience required by subrule 70.5(2):

(1) Official transcripts or diplomas as evidence of meeting the education requirements.

(2) Résumés, letters of reference, or documentation of work experience, as evidence of meeting the work experience requirements.

*e.* If the date on which the applicant completed an approved training course is three years or more before the date of recertification, a certificate showing that the applicant has successfully completed an approved refresher training course for the appropriate discipline.

*f.* A certificate showing that the applicant has passed the state certification examination in the discipline in which the applicant wishes to become certified.

*g.* A \$50 nonrefundable fee.

**70.5(4)** An agency wishing to become a certified elevated blood lead (EBL) inspection agency shall apply on forms supplied by the department. The agency must submit:

- a.* A completed application form.
- b.* Documentation that the agency has the authority to require the repair of lead hazards identified through an elevated blood lead (EBL) inspection.
- c.* Documentation that the agency employs or has contracted with a certified elevated blood lead (EBL) inspector to provide environmental case management of all elevated blood lead (EBL) children in the agency's service area, including follow-up to ensure that lead-based paint hazards identified as a result of elevated blood lead (EBL) inspections are corrected.

**70.5(5)** Beginning March 1, 2000, individuals certified as lead professionals must be recertified each year. To be recertified, lead professionals must submit the following:

- a.* A completed application form.
- b.* A \$50 nonrefundable fee.
- c.* Every three years, a certificate showing that the applicant has successfully completed an approved refresher training course for the appropriate discipline. If the applicant completed an approved training program prior to March 1, 2000, the initial refresher training course must be completed no more than three years after the date on which the applicant completed an approved training program.

**70.5(6)** The department shall approve the state certification examinations for the disciplines of lead inspector, elevated blood lead (EBL) inspector, lead abatement contractor, and project designer. The state certification examination may not be administered by the provider of an approved course.

- a.* An individual may take the state certification examination no more than three times within six months of receiving a certificate of completion from an approved course.
- b.* If an individual does not pass the state certification examination within six months of receiving a certificate of completion from an approved course, the individual must retake the appropriate approved course before reapplying for certification.

**641—70.6(135) Work practice standards for conducting lead-based paint activities in target housing and child-occupied facilities.**

**70.6(1)** Prior to March 1, 2000, when performing any lead-based paint activity described as an inspection, elevated blood lead (EBL) inspection, lead hazard screen, risk assessment, visual risk assessment, or lead abatement, a certified individual must perform that activity in compliance with the appropriate requirements below. Beginning on March 1, 2000, all lead-based paint activities shall be performed according to the work practice standards in rule 70.6(135) and a certified individual must perform that activity in compliance with the appropriate requirements below.

**70.6(2)** A certified lead inspector or a certified elevated blood lead (EBL) inspector must conduct lead inspections according to the following standards. Beginning March 1, 2000, lead inspections shall be conducted only by a certified lead inspector or a certified elevated blood lead (EBL) inspector.

- a.* When conducting an inspection, the inspector shall use the documented methodologies, including selection of rooms and components for sampling or testing, specified in Chapter 7 of the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995, U.S. Department of Housing and Urban Development).
- b.* Paint shall be sampled using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface.
- c.* If lead-based paint is identified through an inspection, the inspector must conduct a visual inspection to determine the presence of lead-based paint hazards and any other potential lead hazards.

*d.* A certified lead inspector or a certified elevated blood lead (EBL) inspector shall prepare a written report for each residential dwelling or child-occupied facility inspected and shall provide a copy of this report to the person requesting the inspection. A certified lead inspector or a certified elevated blood lead (EBL) inspector shall maintain a copy of each written report for no fewer than three years. The inspection report shall include, at least:

- (1) Date of each inspection;
- (2) Address of building;
- (3) Date of construction;
- (4) Apartment numbers (if applicable);
- (5) The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
- (6) Name, signature, and certification number of each certified lead inspector or certified elevated blood lead inspector conducting the investigation;
- (7) Name, address, and telephone number of each laboratory conducting an analysis of collected samples;
- (8) Each testing method and device and sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any X-ray fluorescence (XRF) device;
- (9) Specific locations of each painted component tested for the presence of lead-based paint;
- (10) The results of the inspection expressed in terms appropriate to the sampling method used;
- (11) A description of the location, type, and severity of identified lead-based paint hazards, and any other potential lead hazards; and
- (12) A description of interim controls and abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

**70.6(3)** A certified elevated blood lead (EBL) inspector must conduct elevated blood lead (EBL) inspections according to the following standards. Beginning March 1, 2000, elevated blood lead (EBL) inspections shall be conducted only by a certified EBL inspector.

*a.* When conducting an elevated blood lead (EBL) inspection, the elevated blood lead (EBL) inspector shall use the documented methodologies, including selection of rooms and components for sampling or testing, specified in Chapter 7 of the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995, U.S. Department of Housing and Urban Development).

*b.* Paint shall be sampled using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface.

*c.* If lead-based paint is identified through an inspection, the inspector must conduct a visual inspection to determine the presence of lead-based paint hazards and any other potential lead hazards.

*d.* A certified elevated blood lead (EBL) inspector shall prepare a written report for each residential dwelling or child-occupied facility where an elevated blood lead (EBL) inspection has been conducted and shall provide a copy of this report to the owner and the occupant of the dwelling. The report shall include, at least:

- (1) Date of each elevated blood lead (EBL) inspection;
- (2) Address of building;
- (3) Date of construction;
- (4) Apartment numbers (if applicable);
- (5) The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
- (6) Name, signature, and certification number of each certified elevated blood lead (EBL) inspector conducting the investigation;
- (7) Name, address, and telephone number of each laboratory conducting an analysis of collected samples;

- (8) Each testing method and device and sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any X-ray fluorescence (XRF) device;
- (9) Specific locations of each painted component tested for the presence of lead-based paint;
- (10) The results of the inspection expressed in terms appropriate to the sampling method used;
- (11) A description of the location, type, and severity of identified lead-based paint hazards, and any other potential lead hazards; and

(12) A description of interim controls and abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

*e.* A certified elevated blood lead (EBL) inspector shall maintain a written record for each residential dwelling or child-occupied facility where an elevated blood lead (EBL) inspection has been conducted for no fewer than ten years. The record shall include, at least:

- (1) A copy of the written report required by paragraph 70.6(3) "d."
- (2) Blood lead test results for the elevated blood lead (EBL) child.
- (3) A record of conversations held with the owners and occupants of each residential dwelling or child-occupied facility prior to, during, and after the EBL inspection.
- (4) Records of follow-up visits made to each residential dwelling or child-occupied facility where lead-based paint hazards are identified to ensure that lead-based paint hazards are safely repaired.

**70.6(4)** A certified lead inspector or a certified elevated blood lead (EBL) inspector must conduct lead hazard screens according to the following standards. Beginning March 1, 2000, lead hazard screens shall be conducted only by a certified lead inspector or a certified elevated blood lead (EBL) inspector.

*a.* Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to at least one child under the age of six years shall be collected.

*b.* A visual inspection of the residential dwelling or child-occupied facility shall be conducted to determine if any deteriorated paint is present and to locate at least two dust sampling locations.

*c.* If deteriorated paint is present, each surface with deteriorated paint which is determined to have a distinct painting history must be tested for the presence of lead.

*d.* In residential dwellings, two composite dust samples shall be collected. One sample shall be collected from the floors and the other from the window well and window trough in rooms, hallways, or stairwells where at least one child under the age of six years is most likely to come in contact with dust.

*e.* In multifamily dwellings and child-occupied facilities, a composite dust sample shall also be collected from common areas where at least one child under the age of six years is likely to come in contact with dust.

*f.* Dust samples shall be collected using the documented methodologies specified in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995, U.S. Department of Housing and Urban Development). Dust samples shall be analyzed by a recognized laboratory to determine the level of lead.

*g.* Paint shall be sampled using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface.

*h.* A certified lead inspector or a certified elevated blood lead inspector shall prepare a written report for each residential dwelling or child-occupied facility where a lead hazard screen is conducted and shall provide a copy of this report to the person requesting the lead hazard screen. A certified lead inspector or a certified elevated blood lead inspector shall maintain a copy of each written report for no fewer than three years. The report shall include, at least:

- (1) Date of each lead hazard screen;
- (2) Address of building;

- (3) Date of construction;
- (4) Apartment numbers (if applicable);
- (5) The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
- (6) Name, signature, and certification number of each certified lead inspector or certified elevated blood lead inspector conducting the investigation;
- (7) Name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples;
- (8) Results of the visual inspection;
- (9) Each testing method and device and sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any X-ray fluorescence (XRF) device;
- (10) Specific locations of each painted component tested for the presence of lead-based paint;
- (11) All results of laboratory analysis of collected paint, dust, and soil samples;
- (12) Any other sampling results;
- (13) Background information collected regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to at least one child under the age of six years; and
- (14) Recommendations, if warranted, for a follow-up lead inspection or risk assessment, and, as appropriate, any further actions.

**70.6(5)** A certified lead inspector or a certified elevated blood lead (EBL) inspector must conduct risk assessments according to the following standards. Beginning March 1, 2000, risk assessments shall be conducted only by a certified lead inspector or a certified elevated blood lead (EBL) inspector.

*a.* Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to at least one child under the age of six years shall be collected.

*b.* A visual inspection for risk assessment shall be undertaken to locate the existence of deteriorated paint and other potential lead hazards and to assess the extent and causes of the paint deterioration.

*c.* If deteriorated paint is present, each surface with deteriorated paint which is determined to have a distinct painting history must be tested for the presence of lead.

*d.* Accessible, friction, and impact surfaces having a distinct painting history shall be tested for the presence of lead.

*e.* In residential dwellings, dust samples shall be collected from the windowsill, window trough, and floor in all living areas where at least one child is most likely to come in contact with dust. Dust samples may be either composite or single-surface samples.

*f.* In multifamily dwellings and child-occupied facilities, dust samples shall also be collected from common areas adjacent to the sampled residential dwellings or child-occupied facility and in other common areas where the lead inspector or elevated blood lead (EBL) inspector determines that at least one child under the age of six years is likely to come in contact with dust. Dust samples may be either composite or single-surface samples.

*g.* In child-occupied facilities, dust samples shall be collected from the window well, window trough, and floor in each room, hallway, or stairwell utilized by one or more children, under the age of six years, and in other common areas where the lead inspector or elevated blood lead (EBL) inspector determines that at least one child under the age of six years is likely to come in contact with dust. Dust samples may be either composite or single-surface samples.

*h.* Soil samples shall be collected in exterior play areas and drip line/foundation areas where bare soil is present.

*i.* Dust samples, soil, and paint samples shall be collected using the documented methodologies specified in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995, U.S. Department of Housing and Urban Development). Dust and soil samples shall be analyzed by a recognized laboratory to determine the level of lead.

*j.* Paint shall be sampled using adequate quality control by X-ray fluorescence or by laboratory analysis using a recognized laboratory to determine the presence of lead-based paint on a surface.

*k.* A certified lead inspector or a certified elevated blood lead (EBL) inspector shall prepare a written report for each residential dwelling or child-occupied facility where a risk assessment is conducted and shall provide a copy of the report to the person requesting the risk assessment. A certified lead inspector or a certified elevated blood lead (EBL) inspector shall maintain a copy of the report for no fewer than three years. The report shall include, at least:

- (1) Date of each risk assessment;
- (2) Address of building;
- (3) Date of construction;
- (4) Apartment numbers (if applicable);
- (5) The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
- (6) Name, signature, and certification number of each certified inspector conducting the investigation;
- (7) Name, address, and telephone number of each recognized laboratory conducting an analysis of collected samples;
- (8) Results of the visual inspection;
- (9) Each testing method and device and sampling procedure employed for paint analysis, including quality control data and, if used, the serial number of any X-ray fluorescence (XRF) device;
- (10) Specific locations of each painted component tested for the presence of lead-based paint;
- (11) All results of laboratory analysis of collected paint, dust, and soil samples;
- (12) Any other sampling results;
- (13) Background information collected regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to at least one child under the age of six years;
- (14) To the extent that they are used as part of the lead-based paint hazard determination, the results of any previous inspections or analyses for the presence of lead-based paint, or other assessments of lead-based paint hazards;
- (15) A description of the location, type, and severity of identified lead-based paint hazards, and any other potential lead hazards; and
- (16) A description of interim controls and abatement options for each identified lead-based paint hazard and a suggested prioritization for addressing each hazard. If the use of an encapsulant or enclosure is recommended, the report shall recommend a maintenance and monitoring schedule for the encapsulant or enclosure.

**70.6(6)** A certified lead abatement contractor or certified lead abatement worker must conduct lead abatement according to the following standards. Beginning March 1, 2000, lead abatement shall be conducted only by a certified lead abatement contractor or a certified lead abatement worker.

*a.* A certified lead abatement contractor must be on site during all work site preparation and during the postabatement cleanup of work areas. At all other times when lead abatement is being conducted, the certified lead abatement contractor shall be on site or available by telephone, pager, or answering service, and be able to be present at the work site in no more than two hours.

*b.* A certified lead abatement contractor shall ensure that lead abatement is conducted according to all federal, state, and local requirements.

*c.* A certified lead abatement contractor shall notify the department at least seven days prior to the commencement of lead abatement in a residential dwelling or child-occupied facility.

*d.* A certified lead abatement contractor or a certified project designer shall develop an occupant protection plan for all lead abatement projects prior to starting lead abatement and shall implement the occupant protection plan during the lead abatement project. The occupant protection plan shall be unique to each residential dwelling or child-occupied facility. The occupant protection plan shall describe the measures and management procedures that will be taken during the abatement to protect the building occupants from exposure to any lead-based paint hazards.

*e.* Approved methods must be used to conduct lead abatement and prohibited work practices must not be used to conduct lead abatement. The following are prohibited work practices:

(1) Open-flame burning or torching of lead-based paint.

(2) Machine sanding or grinding or abrasive blasting or sandblasting of lead-based paint unless used with High Efficiency Particulate Air (HEPA) exhaust control that removes particles of 0.3 microns or larger from the air at 99.97 percent or greater efficiency.

(3) Uncontained water blasting of lead-based paint.

(4) Dry scraping or dry sanding of lead-based paint except in conjunction with the use of a heat gun or around electrical outlets.

(5) Operating a heat gun at a temperature at or above 1100 degrees Fahrenheit.

*f.* Soil abatement shall be conducted using one of the following methods:

(1) If soil is removed, the lead-contaminated soil shall be replaced with soil that is not lead-contaminated.

(2) If soil is not removed, the lead-contaminated soil shall be permanently covered.

*g.* Postabatement clearance procedures shall be conducted by a certified lead inspector or a certified elevated blood lead (EBL) inspector using the following procedures:

(1) Following an abatement, a visual inspection shall be performed to determine if deteriorated paint surfaces or visible amounts of dust, debris, or residue are still present. If deteriorated paint surfaces or visible amounts of dust, debris, or residue are present, these conditions must be eliminated prior to the continuation of the clearance procedures.

(2) Following the visual inspection and any required postabatement cleanup, clearance sampling for lead-contaminated dust shall be conducted. Clearance sampling may be conducted by employing single-surface sampling or composite dust sampling.

(3) Dust samples shall be collected a minimum of one hour after the completion of final postabatement cleanup activities.



(4) Dust samples shall be collected using the documented methodologies specified in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995, U.S. Department of Housing and Urban Development). Dust samples shall be analyzed by a recognized laboratory to determine the level of lead.

(5) The following postabatement clearance activities shall be conducted as appropriate based upon the extent or manner of abatement activities conducted in the residential dwelling or child-occupied facility:

1. After conducting an abatement with containment between abated and unabated areas, one dust sample shall be taken from one windowsill and window trough (if available) and one dust sample shall be taken from the floor of no fewer than four rooms, hallways, or stairwells within the containment area. In addition, one dust sample shall be taken from the floor outside the containment area. If there are fewer than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, and stairwells shall be sampled.

2. After conducting an abatement with no containment, two dust samples shall be taken from no fewer than four rooms, hallways, or stairwells in the residential dwelling or child-occupied facility. One dust sample shall be taken from one windowsill and window trough (if available) and one dust sample shall be taken from the floor of each room, hallway, or stairwell selected. If there are fewer than four rooms, hallways, or stairwells within the containment area, then all rooms, hallways, and stairwells shall be sampled.

3. Following an exterior abatement, a visual inspection shall be conducted. All horizontal surfaces in the outdoor living area closest to the abated surface shall be found to be cleaned of visible dust and debris. In addition, a visual inspection shall be conducted to determine the presence of paint chips on the drip line or next to the foundation below any exterior surface abated. If visible dust, debris, or paint chips are present, they must be removed from the site and properly disposed of according to all applicable federal, state, and local standards.

(6) The rooms, hallways, and stairwells selected for sampling shall be selected using the documented methodologies specified in the Guidelines for the Evaluation and Control of Lead-Based Paint Hazards in Housing (1995, U.S. Department of Housing and Urban Development).

(7) The certified lead inspector or certified elevated blood lead (EBL) inspector shall compare the residual lead level as determined by the laboratory analysis from each dust sample with applicable clearance levels for lead in dust on floors and window troughs. If the residual lead levels in a dust sample exceed the clearance levels, then all the components represented by the failed dust sample shall be recleaned and retested until clearance levels are met.

*h.* In a multifamily dwelling with similarly constructed and maintained residential dwellings, random sampling for the purpose of clearance may be conducted if the following conditions are met:

(1) The certified lead abatement contractors and certified lead abatement workers who abate or clean the dwellings do not know which residential dwellings will be selected for the random sampling.

(2) A sufficient number of residential dwellings are selected for dust sampling to provide a 95 percent level of confidence that no more than 5 percent or 50 of the residential dwellings (whichever is smaller) in the randomly sampled population exceed the appropriate clearance levels.

(3) The randomly selected residential dwellings shall be sampled and evaluated for clearance according to the procedures found in paragraph 70.6(6)“g.”

i. The certified lead abatement contractor or a certified project designer shall prepare an abatement report containing the following information:

- (1) Starting and completion dates of the lead abatement project.
- (2) The name and address of each certified lead abatement contractor and certified lead abatement worker conducting the abatement.
- (3) The occupant protection plan required by paragraph 70.6(6)“d.”
- (4) The name, address, and signature of each certified lead inspector or certified elevated blood lead (EBL) inspector conducting clearance sampling, the date on which the clearance testing was conducted, and the results of all postabatement clearance testing and all soil analyses, if applicable.
- (5) The name and address of each laboratory that conducted the analysis of clearance samples and soil samples.
- (6) A detailed written description of the lead abatement project, including lead abatement methods used, locations of rooms and components where lead abatement occurred, reasons for selecting particular lead abatement methods, and any suggested monitoring of encapsulants or enclosures.
- (7) Maintain all reports and plans required in this subrule for a minimum of three years.
- (8) Provide a copy of all reports required by this subrule to the building owner who contracted for the lead abatement.

**70.6(7)** A certified lead inspector, a certified elevated blood lead (EBL) inspector, or a certified visual risk assessor must conduct visual risk assessments according to the following standards. Beginning March 1, 2000, visual risk assessments shall be conducted only by a certified lead inspector, a certified elevated blood lead (EBL) inspector, or a certified visual risk assessor.

a. Background information regarding the physical characteristics of the residential dwelling or child-occupied facility and occupant use patterns that may cause lead-based paint exposure to at least one child under the age of six years shall be collected.

b. A visual inspection for risk assessment shall be undertaken to locate the existence of deteriorated paint and other potential lead hazards and to assess the extent and causes of the paint deterioration.

c. A certified lead inspector, a certified elevated blood lead (EBL) inspector, or a certified visual risk assessor shall prepare a written report for each residential dwelling or child-occupied facility where a visual risk assessment is conducted and shall provide a copy of the report to the person requesting the visual risk assessment. A certified lead inspector, a certified elevated blood lead (EBL) inspector, or a certified visual risk assessor shall maintain a copy of the report for no fewer than three years. The report shall include, at least:

- (1) Date of each visual risk assessment;
- (2) Address of building;
- (3) Date of construction;
- (4) Apartment numbers (if applicable);
- (5) The name, address, and telephone number of the owner or owners of each residential dwelling or child-occupied facility;
- (6) Name, signature, and certification number of each certified visual assessor, certified lead inspector, or certified elevated blood lead (EBL) inspector conducting the visual risk assessment;
- (7) Specific locations of painted components identified as likely to contain lead-based paint and likely to be lead-based paint hazards; and
- (8) Information for the owner and occupants on how to reduce lead hazards in the residential dwelling or child-occupied facility.

**70.6(8)** A certified elevated blood lead (EBL) inspection agency shall maintain the written records for all elevated blood lead (EBL) inspections conducted by persons that the agency employs or contracts with to provide elevated blood lead (EBL) inspections in the agency's service area.

**70.6(9)** A person may be certified as a lead inspector, visual risk assessor, or elevated blood lead (EBL) inspector and as a lead abatement contractor or lead abatement worker. However, a person who is certified both as a lead inspector, visual risk assessor, or elevated blood lead (EBL) inspector and as a lead abatement contractor or lead abatement worker shall not provide both lead inspection or visual risk assessment and lead abatement services at the same site unless a written consent or waiver, following full disclosure by the person, is obtained from the owner or manager of the site.

**70.6(10)** Any paint chip, dust, or soil samples collected pursuant to the work practice standards contained in this rule shall be collected by persons certified as a lead inspector or an elevated blood lead (EBL) inspector. These samples shall be analyzed by a recognized laboratory.

**70.6(11)** Composite dust sampling shall be conducted only in the situations specified in subrules 70.6(4) to 70.6(6). If composite sampling is conducted, it shall meet the following requirements:

- a. Composite dust samples shall consist of at least two subsamples.
- b. Every component that is being tested shall be included in the sampling.
- c. Composite dust samples shall not consist of subsamples from more than one type of component.

**641—70.7(135) Firms.** Firms that perform or offer to perform lead-based paint activities shall employ only appropriately certified employees to conduct lead-based paint activities, and the firm and its employees shall follow the work practice standards in 641—70.6(135) for conducting lead-based paint activities.

**641—70.8(135) Enforcement.**

**70.8(1)** The department may enter premises or facilities where violations of the provisions regarding lead-based paint activities may occur for the purpose of conducting inspections.

**70.8(2)** The department may enter premises or facilities where training programs conduct business.

**70.8(3)** The department may take samples and review records as part of the lead-based paint activities inspection process.

**70.8(4)** The following are considered to be in violation of this chapter:

- a. Failure or refusal to comply with any requirements of rules 70.3(135) to 70.6(135).
- b. Failure or refusal to establish, maintain, provide, copy, or permit access to records or reports as required by rules 70.3(135) to 70.6(135).
- c. Failure or refusal to permit entry or inspection as described in subrules 70.8(1) to 70.8(3).
- d. Obtaining certification through fraudulent representation.
- e. Failing to obtain certification from the department and performing work requiring certification at a job site.
- f. Fraudulently obtaining certification and engaging in any lead-based paint activities requiring certification.
- g. Violators are subject to civil penalties pursuant to Iowa Code section 135.105A.

**641—70.9(135) Denial, suspension or revocation of certification and denial, suspension, revocation, or modification of course approval.**

**70.9(1)** The department may deny an application for certification, or may suspend or revoke a certification, when it finds that the applicant or certified lead professional has committed any of the following acts:

- a. Obtained documentation of training through fraudulent means.
- b. Gained admission to and completed an accredited training program through misrepresentation of admission requirements.

- c. Obtained certification through misrepresentation of certification requirements or related documents dealing with education, training, professional registration, or experience.
- d. Performed work requiring certification at a job site without having proof of certification.
- e. Permitted the duplication or use of the individual's own certificate by another.
- f. Performed work for which certification is required, but for which appropriate certification has not been received.
- g. Failed to follow the standards of conduct required by rule 70.6(135).
- h. Failed to comply with federal, state, or local lead-based paint statutes and regulations.

**70.9(2)** The department may deny, suspend, revoke, or modify the approval for a course when it finds that the training program, training manager, or other person with supervisory authority over the course has:

- a. Misrepresented the contents of a training course to the department or to the student population.
- b. Failed to submit required information or notifications in a timely manner.
- c. Failed to maintain required records.
- d. Falsified approval records, instructor qualifications, or other information or documentation related to course approval.
- e. Failed to comply with the training standards and requirements in rule 70.4(135).
- f. Made false or misleading statements to the department in its application for approval or reapproval which the department relied upon in approving the application.

**70.9(3)** Complaints. Complaints regarding a certified lead professional or an approved course shall be submitted in writing to the Iowa Department of Public Health, Lead Poisoning Prevention Program, 321 East 12th Street, Des Moines, Iowa 50319-0075. The complainant shall provide:

- a. The name of the certified lead professional and the specific details of the action(s) by the certified lead professional that did not comply with the rules, or
- b. The name of the sponsoring person or organization of an approved course and the specific way(s) that an approved course did not comply with the rules.

**70.9(4)** Appeals.

a. Notice of denial, suspension or revocation of certification, or denial, suspension, revocation, or modification of course approval shall be sent to the affected individual or organization by restricted certified mail, return receipt requested, or by personal service. The affected individual or organization shall have a right to appeal the denial, suspension or revocation.

b. An appeal of a denial, suspension or revocation shall be submitted by certified mail, return receipt requested, within 30 days of the receipt of the department's notice to the Iowa Department of Public Health, Lead Poisoning Prevention Program, 321 East 12th Street, Des Moines, Iowa 50319-0075. If such a request is made within the 30-day time period, the notice of denial, suspension or revocation shall be deemed to be suspended. Prior to or at the hearing, the department may rescind the notice upon satisfaction that the reason for the denial, suspension or revocation has been or will be removed. After the hearing, or upon default of the applicant or alleged violator, the administrative law judge shall affirm, modify or set aside the denial, suspension or revocation. If no appeal is submitted within 30 days, the denial, suspension or revocation shall become the department's final agency action.

c. Upon receipt of an appeal that meets contested case status, the appeal shall be transmitted to the department of inspections and appeals within five working days of receipt pursuant to the rules adopted by that agency regarding the transmission of contested cases. The information upon which the denial, suspension or revocation is based shall be provided to the department of inspections and appeals.

*d.* The hearing shall be conducted according to the procedural rules of the department of inspections and appeals found in 481—Chapter 10, Iowa Administrative Code.

*e.* When the administrative law judge makes a proposed decision and order, it shall be served by restricted certified mail, return receipt requested, or delivered by personal service. The proposed decision and order then becomes the department's final agency action without further proceedings ten days after it is received by the aggrieved party unless an appeal to the director is taken as provided in paragraph 70.9(4) "*f.*"

*f.* Any appeal to the director for review of the proposed decision and order of the administrative law judge shall be filed in writing and mailed to the director by certified mail, return receipt requested, or delivered by personal service within ten days after the receipt of the administrative law judge's proposed decision and order by the aggrieved party. A copy of the appeal shall also be mailed to the administrative law judge. Any request for appeal shall state the reason for appeal.

*g.* Upon receipt of an appeal request, the administrative law judge shall prepare the record of the hearing or submission to the director. The record shall include the following:

- (1) All pleadings, motions, and rulings.
- (2) All evidence received or considered and all other submissions by recording or transcript.
- (3) A statement of all matters officially noticed.
- (4) All questions and offers of proof, objection, and rulings thereon.
- (5) All proposed findings and exceptions.
- (6) The proposed findings and order of the administrative law judge.

*h.* The decision and order of the director becomes the department's final agency action upon receipt by the aggrieved party and shall be delivered by restricted certified mail, return receipt requested, or by personal service.

*i.* It is not necessary to file an application for a rehearing to exhaust administrative remedies when appealing to the director or the district court as provided in Iowa Code section 17A.19. The aggrieved party to the final agency action of the department who has exhausted all administrative remedies may petition for judicial review of that action pursuant to Iowa Code chapter 17A.

*j.* Any petition for judicial review of a decision and order shall be filed in the district court within 30 days after the decision and order becomes final. A copy of the notice of appeal shall be sent to the department by certified mail, return receipt requested, or by personal service to the Iowa Department of Public Health, Lead Poisoning Prevention Program, 321 East 12th Street, Des Moines, Iowa 50319-0075.

*k.* The party who appeals a final agency action to the district court shall pay the cost of the preparation of a transcript of the contested case hearing for the district court.

**70.9(5) Public notification.**

*a.* The public shall be notified of the suspension, revocation, modification, or reinstatement of course approval through appropriate mechanisms.

*b.* The department shall maintain a list of courses for which the approval has been suspended, revoked, modified, or reinstated.

**641—70.10(135) Waivers.** Rules in this chapter are not subject to waiver or variance pursuant to 641—Chapter 178 or any other provision of law.

These rules are intended to implement Iowa Code section 135.105A.

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